

Notice of Allowability

Application No.

10/026,819

Examiner

Andrew M. Gilbert

Applicant(s)

TANGHOJ ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the after final reply filed on 6/27/2007 and Terminal Disclaimer filed on 2/27/2007.
2. ☒ The allowed claim(s) is/are 1,3,4,7,10,21-23,26,27,29,32-34,41,60,62-64,67-72 and 80-83.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 20070719.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 2/27/2007; 6/27/2007
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

KEVIN C. SIRMONS
SUPERVISORY PATENT EXAMINER

Kevin C. Sirmons

Andrew Gilbert
Andrew Gilbert
7/19/2007

EXAMINER'S AMENDMENT

Acknowledgments

1. This office action is in response to the reply filed on 7/9/2007 and to the Terminal Disclaimer filed on 2/27/2007.
2. In the reply, the Applicant filed a Terminal Disclaimer to US Pat. Application No. 10/482229 that has been APPROVED. Thus, the rejection has been withdrawn.
3. The Applicant submitted Replacement Drawings but the drawings have not overcome the objection to the drawings (see discussion below).
4. Additionally, the Applicant cancelled claims 2, 5, 6, 8-15, 17-20, 24, 25, 28, 30-31, 35-40, 42-59, 61, 65, 66, and 73.
5. Thus, claims 1, 3, 4, 7, 16, 21-23, 26-27, 29, 32-34, 41, 60, 62-64, 67-72, 80-83 are pending.

Information Disclosure Statement

6. The information disclosure statement (IDS) submitted on 2/27/2007, 6/27/2007 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

7. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings submitted on 7/9/2007 are informal. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The

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corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

8. For an example of how to effect drawings changes see related US Pat.

Application No. 10/183984, now US Pat. No. 7094220, wherein formal drawings were requested on Notice of Allowance mailed on 2/14/2006 and properly submitted on 5/15/2006.

EXAMINER'S AMENDMENT

9. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the first sentence of the Specification:

--This application claims foreign priority to DENMARK PA 2001 01386 filed on September 24, 2001.-- has been inserted.

REASONS FOR ALLOWANCE

10. Claims 1, 3, 4, 7, 16, 21-23, 26-27, 29, 32-34, 41, 60, 62-64, 67-72, 80-83 are allowed.

11. The following is an examiner's statement of reasons for allowance:

12. The subject matter of the independent claims could either not be found or was not suggested in the prior art of record. The prior art does not disclose or render obvious the combination as claimed specifically including a urinary catheter assembly

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having a urinary catheter with a proximal end for insertion into the urinary canal, a lumen therethrough, and a distal end with an opening for draining urine, a tubular catheter package accommodating the urinary catheter with a proximal end for a catheter outlet to project the urinary catheter from the catheter package and an distal end having an opening for draining fluid out of the catheter package, wherein prior to use the opening is closed, thereby preventing fluid flow through the urinary catheter and the catheter package, by a closing structure located on the distal end of the urinary catheter, the closing structure being configured to open the opening in the catheter package upon projection of the urinary catheter, thereby allowing fluid flow through the urinary catheter and drainage from the catheter package.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew M. Gilbert whose telephone number is (571) 272-7216. The examiner can normally be reached on 8:30 am to 5:00 pm Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on (571)272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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SUPERVISORY PATENT EXAMINER

